

Liesel Shoquist
MILODRAGOVICH•DALE•STEINBRENNER, P.C.
620 High Park Way
P.O. Box 4947
Missoula, MT 59806
Telephone: (406) 728-1455
E-Mail: lshoquist@bigskylawyers.com

Attorneys for Merrick Bank Corporation

**IN THE UNITED STATES DISTRICT COURT
THE DISTRICT OF MONTANA
MISSOULA DIVISION**

HAMIDOU SANKARA,)	
)	CIVIL ACTION FILE NO.
Plaintiff,)	
)	
v.)	
)	
MERRICK BANK CORPORATION,)	
EQUIFAX, INCORPORATED, and)	
FRANCK KAMBOU,)	
)	
Defendants.)	
<hr/>		

**NOTICE OF REMOVAL OF ACTION TO FEDERAL COURT
BASED ON FEDERAL QUESTION JURISDICTION
UNDER 28 U.S.C. §§ 1331 AND 1441**

Defendant Merrick Bank Corporation ("Merrick") hereby files this Notice of Removal, pursuant to 28 U.S.C. § 1446, and removes to the United States District Court for the District of Montana, the cause of action currently pending in the Fourth Judicial District Court, Missoula County, Montana, styled *Hamidou Sankara v.*

Merrick Bank Corporation, et al, Case No. DV-32-2021-0000839-CS, on the following grounds:

Memorandum of Law

1. This Notice of Removal is founded and based upon a federal question pursuant to 28 U.S.C. §§ 1331 and 1441. Plaintiff, Hamidou Sankara (“Plaintiff”), originally filed this civil action on or about July 13, 2021, in Fourth Judicial District Court, Missoula County, Montana. As required by 28 U.S.C. § 1446(a), a copy of the process, pleadings, orders and other documents presently contained in the state court file and available for copying are attached to this Notice as **Exhibit 1**.

2. Pursuant to the undersigned’s understanding, as of the date of this filing, Co-Defendants, Equifax, Incorporated and Franck Kambou have not yet been served with the subject Complaint.

3. Defendant Merrick accepted service by signing a Request to Acknowledge and Waive Service of Summons on August 2, 2021. Accordingly, this Notice of Removal is timely filed within thirty (30) days of the date of service pursuant to 28 U.S.C. § 1446(b).

4. Venue of this removal is proper under 28 U.S.C. § 1441(a) because this Court is the United States District Court for the district and division corresponding to the place where the state-court action is pending.

5. Plaintiff's alleged claims in the State Court Action arise pursuant to federal law, i.e., the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1682, et. seq., and the Fair Credit Reporting Act ("FCRA"), 15 U.S.C. § 1681, et seq. *See* Compl. Thus, this action states a basis for original subject matter jurisdiction under 28 U.S.C. § 1331, and therefore this removal is made pursuant to 28 U.S.C. § 1441(a).

6. Plaintiff's Complaint is removable to the United States District Court for the District of Montana because the Complaint presents a federal question. Specifically, 28 U.S.C. § 1331 provides that "district courts shall have original jurisdiction over all civil actions arising under the Constitution, laws, or treaties of the United States." *See* 28 U.S.C. § 1331. Plaintiff's claims provide the basis for this Court's jurisdiction as they have brought suit under the laws of the United States. Accordingly, Defendants are entitled to remove this action in accordance with 28 U.S.C. § 1441(a).

7. Written notice of the filing of this Notice of Removal is being served on Plaintiff, and a copy of this Notice of Removal is being filed with the Clerk of Fourth Judicial District Court, Missoula County, Montana, in compliance with 28 U.S.C. 1446(d).

WHEREFORE, Defendant Merrick Bank Corporation, requests that the above-styled action now pending against them in the Fourth Judicial District Court, Missoula County, Montana, be removed to this Court.

This 2nd day of August, 2021.

/s/ Liesel Shoquist

Liesel Shoquist, Esq.

Milodragovich•Dale•Steinbrenner, P.C.

Attorney for

MERRICK BANK CORPORATION